Judges have already been approved to be created in various High Courts. So far as Madras High Court is concerned, the Government of Tamil Nadu did not agree for creation of more posts in the Madras High Court.

Appointment of Judges

3620. SHRIMATI SYEDA ANWARA TAIMUR:
SHRI VIJAY J. DARDA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Chief Justice of India has recommended for confirmation of the Additional Judges as permanent Judges of High Courts, without the consent of the Supreme Court collegium;

(b) if so, whether Government is thinking of reverting to pre-1993 position, when the collegium did not have any role in Judicial appointments; and

(c) how many cases of Judicial appointments have been recommended by the Supreme Court collegium from 1993, till the 31st December, 2007?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) The Chief Justice of India has, during the period 1.1.1992 to 31.07.2007, recommended the appointment of Additional Judges as Permanent Judges without consulting the collegium.

(b) No, Sir.

(c) The information is being collected and will be laid on the Table of the House.

Appointment of Judges in DHJS

3621. SHRI HARISH RAWAT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government is aware of the irregularities in appointment of Judges in the Delhi Higher Judicial Service (DHJS), as reported by the media on the 7th April, 2008;

(b) if so, the facts and the details thereof;

(c) whether transparency is not maintained by the Delhi High Court in the appointment of Judges for lower Judiciary;

(d) if so, whether Government proposes to investigate the matter and has decided to take action in the matter; and

(e) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir.

(b) to (e) Do not arise.

Maintenance of unmarried daughters

3622. SHRI M.V. MYSURA REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Allahabad High Court has recently ordered for amending the Section 125(1)(C) of Code of Criminal Procedure to enable all the unmarried daughters, even those who are over 18 years of age to be maintained by their parents, if they are unable to maintain themselves;

(b) if so, the details thereof; and

(c) what action has been taken or is proposed to be taken by the Ministry thereon?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (c) The Registry of the Allahabad High Court has been requested to furnish the details regarding the Hon'ble High Court's order, if any, in the matter. Information as received will be laid on the Table of the House.

Judge-population ratio

3623. SHRI GIREESH KUMAR SANGHI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of Judges per million population of the country;

(b) what is the number of Judges per million, suggested by the apex court;

(c) what steps the Ministry is taking to comply with the order; and

(d) whether Government would earmark court fee levied by States exclusively for Judicial kitty to augment the strength of Judges?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (c) The Law Commission in its 120th Report recommended that the strength of judges per million population may be increased from 10.5 to 50 judges. The present judge strength in India is 14 per million population (approx.). Government has already increased the Judge strength in the High Courts by 152.

With regard to subordinate judiciary, the Supreme Court, in its judgment of 21st March, 2002, in All India Judges' Association & Ors Vs. Union of India & Ors., directed that an increase in the Judge strength from the existing 10.5 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government have filed an affidavit in the Supreme Court praying that the increase in judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. The matter is sub-judice. As directed by the apex court, the Central Government also filed an affidavit indicating the quantum of funds required in compliance of the aforesaid Supreme Court's judgment irrespective of the category of funds that will be drawn.

All State Governments are also party to this case. Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and the State Government. Accordingly, the Central Government has requested all the State Governments for taking necessary action to increase the judge strength as per the direction of the Supreme Court and also to fill up the vacant posts of judicial officers on urgent basis.

(d) There is no such proposal before the Government.